

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 6 2009

DAVID J. MALANU, ULEHR,
BY
DEPUTY

THOMAS D. TUKA,
Petitioner,
§
§
§
§
v.
§
§
§
UNITED STATES OF AMERICA and
the INTERNAL REVENUE
SERVICE
Respondents. §

CIVIL NO. 4:08-MC-00028-RAS-DDB

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 28, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the United States' Motion to Dismiss Petition to Quash Internal Revenue Service Summons (Dkt. 8) be GRANTED, that Tuka's Petition to Quash should be DENIED and DISMISSED with prejudice, that the summons issued to Experian be enforced, and that the IRS be permitted to examine the documents it received from Experian in response to the summons.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, the United States' Motion to Dismiss Petition to Quash Internal Revenue

Service Summons (Dkt. 8) is GRANTED, that Tuka's Petition to Quash is DENIED and DISMISSED with prejudice, the summons issued to Experian shall be enforced and the IRS is permitted to examine the documents it received from Experian in response to the summons.

IT IS SO ORDERED.

SIGNED this 5th day of Oct., 2009.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE